

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

238B0004

HOUSE BILL NO. 1067

Introduced by: Representatives Kredit, Cerny, Fischer-Clemens, Kooistra, Lee, Matthews, Napoli, Putnam, and Smidt and Senators Hutmacher, Olson, and Staggers

1 FOR AN ACT ENTITLED, An Act to clarify that certain communications between school
2 psychologists and students are privileged.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 19-13-21.1 be amended to read as follows:

5 19-13-21.1. No counselor or school psychologist, certificated in accordance with the
6 certification regulations of the South Dakota Board of Education and regularly employed as
7 counselor or school psychologist for a private or public elementary or secondary school or
8 school system in the State of South Dakota, may divulge to any other person, or be examined
9 concerning any information or communication given to ~~him~~ the counselor or school psychologist
10 in ~~his~~ the counselor's or school psychologist's official capacity by a student or an adult offering
11 the communication or information unless:

12 (1) This privilege is waived in writing by the student or the adult offering the
13 communication or information; or

14 (2) The information or communication was made to the counselor or school psychologist
15 for the express purpose of being communicated or of being made public; or

- 1 (3) The counselor or school psychologist has reason to suspect, as a result of that
- 2 information or communication, that the student has been subjected to child abuse or
- 3 that the student's physical or mental health may be in jeopardy.